

# Bill 52 on end-of-life care adopted in National Assembly

BY KEVIN DOUGHERTY, GAZETTE QUEBEC BUREAU CHIEF JUNE 6, 2014



A nurse holds the hand of an elderly patient at a palliative care unit in France. A panel set up at the request of President François Hollande on December 16, 2013, recommended legalizing assisted suicide in France, where the debate on euthanasia re-emerged after several end-of-life tragedies.

**Photograph by:** FRED DUFOUR, AFP/Getty Images

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QUEBEC — Quebec adopted a historic “right-to-die” legislation Thursday.

After nearly five years of cross-party collaborative work, including a travelling committee of the Quebec National Assembly that heard briefs across the province and consultations with legal and medical experts, the assembly approved by a vote of 94 to 22 Bill 52, An Act Respecting End-of-Life Care.

All Parti Québécois, Coalition Avenir Québec and Québec solidaire MNAs voting were in favour of the bill.

All 22 votes against were from Liberal members, including 10 cabinet ministers.

Health Minister Gaétan Barrette, who co-sponsored the bill with Véronique Hivon, the PQ minister who piloted Bill 52 to the brink of adoption before the election was called, said before the vote he hoped it was not unanimous and had “profound respect” for all members voting on this issue of conscience.

After its sanction on Friday, Barrette said, the law would come into force within 18 months, once the Commission sur les soins de fin de vie has been established, to oversee application of the law, and

the forms and administrative requirements have been met.

Hivon thanked the Liberal government for bringing back Bill 52, as it was before the election, which breaks from the usual practice of unpassed legislation dying when the session ends.

Hivon said the assembly was in tune with Quebecers, noting polls consistently show about 80 per cent approval of Bill 52, which gives Quebecers the right to palliative care and medical assistance to die in exceptional circumstances and under tight controls.

Premier Philippe Couillard was not an elected member when Bill 52 passed second reading, approval in principle.

In a speech before he voted in favour of Bill 52, Couillard said he would not have voted for the bill as it was written then saying he found it “too vague, too many things not defined, too much uncertainty, not enough definitions.

“I was strongly impressed by the final result of the legislative work, with notions that for me were absolutely essential ... clarifications, restrictions, a framework and for me, a ‘sine qua non,’ the objection of conscience, so that doctors and health-care professionals would not be forced to apply all the dispositions of the bill,” the premier said.

Among Liberals opposed to Bill 52, Gerry Sklavounos, MNA for Montreal’s Laurier-Dorion riding, said he fears someone gravely ill could feel a “duty to die” to end the suffering of family members.

“We could be tempted do this, but not for ourselves,” he said. “But to relieve the members of our family, people we love who we see suffering,” Sklavounos said. “It could even be qualified as an heroic act to want to die to prevent others from suffering.”

Jean-Pierre Ménard, a lawyer specializing in medical issues, was commissioned by Hivon to look at Bill 52.

“There are safeguards everywhere,” Ménard said in an interview, noting Quebecers already have the right to refuse medical treatment, which can lead to death.

“There are no abuses with that,” he said. “Why would there be more now?”

“Just read it (the law) carefully.”

Ménard said Bill 52 is a major advance, starting with the recognition of palliative care as a right.

“It gives people the right to choose the end of life they want,” he said.

Meanwhile the West Island Palliative Care Residence issued a statement Thursday saying it will continue offering palliative care but “will not provide the intentional end-of-life services now permitted.”

Hivon said the new law states that a publicly funded medical establishment can opt out, but must inform patients of that decision.

Federal Justice Minister Peter MacKay has expressed dissatisfaction that Quebec was enacting this

bill, but Hivon said Ottawa has never challenged Bill 52.

“And I want to remind you that Rona Ambrose, as the (federal) minister of health, last fall, at the federal-provincial health ministers meeting, she said that the process of Quebec was a legitimate one, and that the other provinces could look at it,” Hivon said.

Barrette said Quebec was not ready 30 years ago or even 20 years ago to consider legislating on medical assistance to die and other provinces will have deal with this issue as well, but they might not want to follow Quebec’s example.

“Everybody is looking at us,” he added. “I think we did a good job, I think we did it properly, and the conclusion is satisfactory to the general population of Québec.

“At some point, they (the other provinces) will have to face it,” the Quebec health minister said.

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